

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **10/05/2004**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Rogers**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

---

#### **Pre Topic:**

DOA:.....Rogers, BB0150 -

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#### **Topic:**

Four-year-old kindergarten

---

#### **Instructions:**

See Attached

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#### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	mlief 10/06/2004	kfollett 11/09/2004	rschluet 11/09/2004	_____	lnorthro 11/09/2004		S&L
/2	mlief 11/19/2004	kfollett 11/21/2004	chaugen 11/22/2004	_____	sbasford 11/22/2004		S&L
/3	mlief 01/14/2005	kfollett 01/14/2005	rschluet 01/14/2005	_____	mbarman 01/14/2005		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/4	mlief 01/25/2005	csicilia 01/25/2005	rschluet 01/25/2005	_____	sbasford 01/25/2005		

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1/4 gjs 1/25  
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11/22/2004 10:40:11 AM

Page 2

Vers.    Drafted    Reviewed    Typed    Proofed    Submitted    Jacketed    Required

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/1	mlief 10/06/2004	kfollett 11/09/2004	rschluet 11/09/2004		Inorthro 11/09/2004		
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***LRB-0425***

11/09/2004 03:20:12 PM

Page 2

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**2005 DRAFTING REQUEST**

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/?	mlief	11/8/04 11/9/04					

FE Sent For:

<END>

## 2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Supporting 4-Year-Old Kindergarten
- Tracking Code: *BBB1219 BBB150*
- SBO team: Education, Workforce, and Local Government
- SBO analyst: Amanda Rogers
  - Phone: 6-1923
  - Email: amanda.rogers@doa.state.wi.us
- Agency acronym: DPI
- Agency number: 255

**DEPARTMENT OF PUBLIC INSTRUCTION  
2005-07 BIENNIAL BUDGET  
DRAFTING REQUEST TO THE LEGISLATIVE REFERENCE BUREAU**

☒ Draft for Possible 2005-07 Budget Bill Introduction (*Agency Decision Item No. 5001*)

**Subject:** Supporting 4-Year-Old Kindergarten

**Request Date:** September 15, 2004

**Agency Contact:** Brian Pahnke, 267-9124  
Michael Bormett, 266-2804

**Brief Description of Intent:**

The department requests \$3,000,000 GPR in FY07 to create a new categorical grant program offering a startup grant for school districts wishing to implement 4-year-old kindergarten (4K). Districts will be eligible for the grant for two years. The grant is proposed to be \$3,000 per 4K pupil to districts in the first year of their offering a new 4K program and \$1,500 in the second year. This request assumes that 10 new districts will offer 4K in FY07 with an average of 100 pupils. However, funding will be available for up to 1,000 total pupils, regardless of the number of districts participating.

115.445

(2)(dp)

The department also requests statutory language that, beginning in FY07, would permit all school districts that adopt "community approaches" to early care and education to count an additional 0.1 FTE toward funding for each 4K pupil enrolled in the district.

During FY06, the department would promulgate administrative rules to administer the program, including the definition of "community approaches," how compliance with the definition would be determined, and a timeline for making determinations of eligibility for FY07.

**Related Stat. Citations:**

Establish a new categorical aid under s. 20.255 (2), Wis. Stats., with \$3,000,000 GPR in FY07. Provide authority to prorate payments if funds are insufficient.

Amend s. 121.004 (7) (cm), Wis. Stats.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0425/1

MJL: [signature]

UPS: Fix request sheet pls 11/10

DOA:.....Rogers, BB0150 - Four-year-old kindergarten ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

D-N

Do Not Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

EDUCATION

PRIMARY AND SECONDARY EDUCATION

*Beginning in the 2006-07 fiscal year,*  
This bill authorizes the Department of Public Instruction (DPI) to award grants to school boards to implement four-year-kindergarten programs. A school board is eligible for an initial grant of \$3,000 for each pupil enrolled in a four-year-old kindergarten program in the school district and a second grant of \$1,500 for each such pupil. *0 ← zero* *UPS: zero*

Under current law a pupil enrolled in a four-year-old kindergarten program is generally counted for state aid purposes as 6 pupil. *Beginning in the 2006-07 fiscal year,* This bill counts such a pupil as 7 pupil if he or she is enrolled in a school district that adopts community approaches to early education, as defined by DPI rule.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 20.255 (2) (dp) of the statutes is created to read: ✓

20.255 (2) (dp) *Four-year-old kindergarten grants.* The amounts in the  
schedule for <sup>4</sup>year-old kindergarten grants under s. 115.445.

→ note: bud  
SECTION 2. 115.445 of the statutes is created to read:

**115.445 Four-year-old kindergarten grants.** (1) A school board may  
apply to the department for up to 2 annual grants under this section to implement  
a 4-year-old kindergarten program.

(2) (a) For the initial grant awarded under this section, the department shall  
pay the school board \$3000 for each 4-year-old kindergarten pupil enrolled in the  
school district. For the second grant awarded under this section, the department  
shall pay the school board \$1500 for each 4-year-old kindergarten pupil enrolled in  
the school district.

(b) The department shall pay grants under this section from the appropriation  
under s. 20.255 (2) (d). If the funds in this appropriation are insufficient to pay all  
eligible school boards, the department shall prorate the payments.

(3) The department shall promulgate rules to implement this section.

change  
compared  
→  
SECTION 3. 121.004 (7) (cm) of the statutes is amended to read:

121.004 (7) (cm) (intro.) A pupil enrolled in a 4-year-old kindergarten program that  
provides the required number of hours of direct pupil instruction under s. 121.02 (1)

(f) 2. shall be counted as:

1. ~~0.6 pupil~~ if the program annually provides at least 87.5 additional hours of  
outreach activities, <sup>0.6</sup> 0.6 pupil.

renumbered 121.004 (7) (cm)  
(intro.)  
and

⑤ SECTION #, 121.004 (7) (cm) 2. of the statutes is created to read: #

1 121.004 (7) (cm) if the program annually provides at least 87.5 additional hours of  
 2 outreach activities and the pupil is enrolled in a school district that uses community  
 3 approaches to early education, as defined by the department by rule, 07 pupil.

History: 1977 c. 29 ss. 1081, 1085e, 1085m; 1977 c. 418, 429; 1979 c. 34, 221; 1979 c. 346 s. 15; 1981 c. 20, 317; 1983 a. 27, 189; 1985 a. 29; 1987 a. 27; 1991 a. 39, 48; 1993 a. 16; 1997 a. 27, 164, 240; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16.

#### SECTION 9337. Initial applicability; public instruction.

5 (1) COUNTING 4-YEAR-OLD KINDERGARTEN PUPILS. The treatment of section  
 6 121.004 (7) (cm) of the first statutes and the creation of section 121.004 (7) (cm) 2.  
 7 school year and to the distribution of school aid in the 2007-08 school year.

#### SECTION 9437. Effective dates; public instruction.

9 (1) FOUR-YEAR OLD KINDERGARTEN GRANT PROGRAM. The creation of sections  
 10 20.255 (2) (dp) and 115.445 of the statutes takes effect on July 1, 2006.

(END)

D-Note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0425/1dn

MJL: 

*Date*

Amanda:

Please note that this bill, if enacted, could theoretically be challenged as an impermissible delegation of legislative power because it allows DPI, rather than the legislature, to define by rule what community approaches to early education are. (I did not include the term "care" in the bill because I was not sure what was meant by it; any care provided for children in a four-year-old kindergarten program is secondary to the primary purpose of the program, namely education.) Because of the extensive legislative oversight of rulemaking in Wisconsin, this delegation problem is probably more theoretical than real, but I wanted you to be aware of it. As a more practical matter, the bill may lose legislative support because DPI is being given the power to make a substantive decision that may have unpredictable but significant financial ramifications for certain school districts.

Madelon J. Lief  
Senior Legislative Attorney  
Phone: (608) 267-7380

X  
X

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0425/1dn  
MJL:kjf:rs

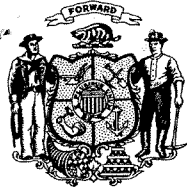
November 9, 2004

Amanda:

Please note that this bill, if enacted, could theoretically be challenged as an impermissible delegation of legislative power because it allows DPI, rather than the legislature, to define by rule what community approaches to early education are. (I did not include the term "care" in the bill because I was not sure what was meant by it; any care provided for children in a four-year-old kindergarten program is secondary to the primary purpose of the program, namely education.) Because of the extensive legislative oversight of rule making in Wisconsin, this delegation problem is probably more theoretical than real, but I wanted you to be aware of it. As a more practical matter, the bill may lose legislative support because DPI is being given the power to make a substantive decision that may have unpredictable but significant financial ramifications for certain school districts.

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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0425/1

MJL:kjf

DOA:.....Rogers, BB0150 - Four-year-old kindergarten

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

RM  
Run

Do Not  
Gen

if the program also provides  
at least 87.5 hours  
of outreach activities.

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Beginning in the 2006-07 fiscal year, this bill authorizes DPI to award grants to school boards to implement four-year-kindergarten programs. A school board is eligible for an initial grant of \$3,000 for each pupil enrolled in a four-year-old kindergarten program in the school district and a second grant of \$1,500 for each such pupil.

Under current law a pupil enrolled in a four-year-old kindergarten program is ~~generally~~ counted for state aid purposes as 0.6 pupil. Beginning in the 2006-07 fiscal year, this bill counts such a pupil as 0.7 pupil if he or she is enrolled in a school district that adopts community approaches to early education, as defined by DPI rule. The bill also counts a pupil enrolled in a four-year-old

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

as 0.6 pupil if he or she is

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 20.255 (2) (dp) of the statutes is created to read:

Kindergarten program that provides 437 hours of direct instruction, but not the additional hours of outreach activities, if the pupil is enrolled in a school district that adopts community approaches to early education.

20.255 (2) (dp) *Four-year-old kindergarten grants.* The amounts in the schedule for 4-year-old kindergarten grants under s. 115.445.

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 115.445 of the statutes is created to read:

**115.445 Four-year-old kindergarten grants.** (1) A school board may apply to the department for up to 2 annual grants under this section to implement a 4-year-old kindergarten program.

(2) (a) For the initial grant awarded under this section, the department shall pay the school board \$3,000 for each 4-year-old kindergarten pupil enrolled in the school district. For the second grant awarded under this section, the department shall pay the school board \$1,500 for each 4-year-old kindergarten pupil enrolled in the school district.

(b) The department shall pay grants under this section from the appropriation under s. 20.255 (2) (dp). If the funds in this appropriation are insufficient to pay all eligible school boards, the department shall prorate the payments.

(3) The department shall promulgate rules to implement this section.

SECTION 3. 121.004 (7) (cm) of the statutes is renumbered 121.004 (7) (cm) (intro.) and amended to read:

121.004 (7) (cm) (intro.) A pupil enrolled in a 4-year-old kindergarten program that provides the required number of hours of direct pupil instruction under s. 121.02

(1) (f) 2. shall be counted as: *0.6 pupil if*

*score "I"*  
1. If the program annually provides at least 87.5 additional hours of outreach activities, 0.6 pupil *or the pupil is enrolled in a school district that uses community approaches to early education, as defined*

SECTION 4. 121.004 (7) (cm) 2. of the statutes is created to read:

*by the department  
by rule*

121.004 (7) (cm) 2. If the program annually provides at least 87.5 additional hours of outreach activities and the pupil is enrolled in a school district that uses community approaches to early education ~~as defined by the department by rule~~, 0.7 pupil.

**SECTION 9337. Initial applicability; public instruction.**

(1) COUNTING 4-YEAR-OLD KINDERGARTEN PUPILS. The renumbering and amendment of section 121.004 (7) (cm) of the statutes and the creation of section 121.004 (7) (cm) 2. of the statutes of the first apply to the calculation of revenue limits in the 2006–07 school year and to the distribution of school aid in the 2007–08 school year.

**SECTION 9437. Effective dates; public instruction.**

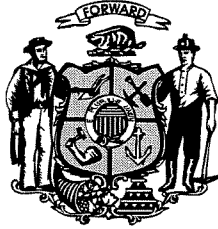
(1) ~~FOUR-YEAR-OLD~~ KINDERGARTEN GRANT PROGRAM. The creation of sections 20.255 (2) (dp) and 115.445 of the statutes takes effect on July 1, 2006.

**(END)**

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
101 East Wilson Street, Madison, Wisconsin

JIM DOYLE  
GOVERNOR

MARC MAROTTA  
SECRETARY



Division of Executive Budget and Finance  
Post Office Box 7864  
Madison, WI 53707-7864  
Voice (608) 266-1736  
Fax (608) 267-0372  
TTY (608) 267-9629

**Date:** January 10, 2005  
**To:** Madelon J. Lief  
**From:** Amanda Rogers  
**Subject:** 4-year-old kindergarten grant program

Please amend LRB draft 05-0425/2 as follows:

1. The grant program should cover a district's startup costs of a 4K program of up to \$3,000 per pupil the first year 4K is offered and up to \$1,500 the second year that 4K is offered. The school district is responsible for providing DPI with its expected per pupil costs. These reimbursements will be cut in half the second year of the program.
2. School districts will be required to submit their expected student enrollment and per pupil costs by April 1st to receive grants for the upcoming year. For example, enrollment and cost information received by April 1, 2006 will be used to determine grants for the 2006-2007 school year. — may eliminate
3. Remove text related to a "community approach" to 4K. —

Please let me know if you have any questions about these changes.

Thanks!

will call on 1/14  
to get it out or in  
leave out

1/11 Called + left message



State of Wisconsin  
2005 - 2006 LEGISLATURE

1/14 R  
1/18

LRB-0425/2 3

MJL:kjf

DOA:.....Rogers, BB0150 - Four-year-old kindergarten

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

RM run

Do Not Gen

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up to

*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Beginning in the 2006-07 fiscal year, this bill authorizes DPI to award grants to school boards to implement four-year-kindergarten programs. A school board is eligible for an initial grant of \$3,000 for each pupil enrolled in a four-year-old kindergarten program in the school district and a second grant of \$1,500 for each such pupil.

Under current law a pupil enrolled in a four-year-old kindergarten program that annually provides 437 hours of direct instruction is counted for state aid purposes as 0.6 pupil if the program also provides at least 87.5 hours of outreach activities. Beginning in the 2006-07 fiscal year, this bill counts such a pupil as 0.7 pupil if he or she is enrolled in a school district that adopts community approaches to early education, as defined by DPI rule. The bill also counts a pupil as 0.6 pupil if he or she is enrolled in a four-year-old kindergarten program that provides 437 hours of direct instruction, but not the additional hours of outreach activities, if the pupil is enrolled in a school district that adopts community approaches to early education.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1        **SECTION 1.** 20.255 (2) (dp) of the statutes is created to read:

2        20.255 (2) (dp) *Four-year-old kindergarten grants.* The amounts in the  
3        schedule for 4-year-old kindergarten grants under s. 115.445.

      \*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4        **SECTION 2.** 115.445 of the statutes is created to read:

5        **115.445 Four-year-old kindergarten grants.** (1) A school board may  
6        apply to the department for up to 2 annual grants under this section to implement  
7        a 4-year-old kindergarten program.

8        (2) (a) For the initial grant awarded under this section, the department shall  
9        pay the school board <sup>up to</sup> \$3,000 for each 4-year-old kindergarten pupil enrolled in the  
10       school district. For the second grant awarded under this section, the department  
11       shall pay the school board \$1,500 for each 4-year-old kindergarten pupil enrolled in  
12       the school district.

13       (b) The department shall pay grants under this section from the appropriation  
14       under s. 20.255 (2) (dp). If the funds in this appropriation are insufficient to pay all  
15       eligible school boards, the department shall prorate the payments.

16       (3) The department shall promulgate rules to implement this section.

17       ~~**SECTION 3.** 121.004 (7) (cm) of the statutes is renumbered 121.004 (7) (cm)~~  
18       (intro.) and amended to read:

1 ~~121.004 (7) (cm) (intro.) A pupil enrolled in a 4-year-old kindergarten program~~  
2 ~~that provides the required number of hours of direct pupil instruction under s. 121.02~~  
3 ~~(1) (f) 2. shall be counted as 0.6 pupil if:~~

4 ~~1. If the program annually provides at least 87.5 additional hours of outreach~~  
5 ~~activities or the pupil is enrolled in a school district that uses community approaches~~  
6 ~~to early education, as defined by the department by rule, 0.6 pupil.~~

7 **SECTION 4.** ~~121.004 (7) (cm) 2. of the statutes is created to read:~~

8 ~~121.004 (7) (cm) 2. If the program annually provides at least 87.5 additional~~  
9 ~~hours of outreach activities and the pupil is enrolled in a school district that uses~~  
10 ~~community approaches to early education, 0.7 pupil.~~

11 **SECTION 9337. Initial applicability; public instruction.**

12 ~~(1) COUNTING 4-YEAR-OLD KINDERGARTEN PUPILS. The renumbering and~~  
13 ~~amendment of section 121.004 (7) (cm) of the statutes and the creation of section~~  
14 ~~121.004 (7) (cm) 2. of the statutes first apply to the calculation of revenue limits in~~  
15 ~~the 2006-07 school year and to the distribution of school aid in the 2007-08 school~~  
16 ~~year.~~

17 **SECTION 9437. Effective dates; public instruction.**

18 ~~(1) FOUR-YEAR-OLD KINDERGARTEN GRANT PROGRAM. The creation of sections~~  
19 ~~20.255 (2) (dp) and 115.445 of the statutes takes effect on July 1, 2006.~~

20 (END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0425/3

MJL:kjfrs

ECJS

DOA:.....Rogers, BB0150 - Four-year-old kindergarten

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

RM run

Do NOT Gen

1 AN ACT...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

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3 20.255 (2) (dp) *Four-year-old kindergarten grants.* The amounts in the

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SECTION 2. 115.445 of the statutes is created to read:

**115.445 Four-year-old kindergarten grants.** (1) A school board may apply to the department for up to 2 annual grants under this section to implement a 4-year-old kindergarten program.

(2) (a) For the initial grant awarded under this section, the department shall pay the school board up to \$3,000 for each 4-year-old kindergarten pupil enrolled in the school district. For the second grant awarded under this section, the department shall pay the school board up to \$1,500 for each 4-year-old kindergarten pupil enrolled in the school district.

(b) The department shall pay grants under this section from the appropriation under s. 20.255 (2) (dp). If the funds in this appropriation are insufficient to pay all eligible school boards, the department shall prorate the payments.

(3) The department shall promulgate rules to implement this section.

**SECTION 9437. Effective dates; public instruction.**

(1) FOUR-YEAR-OLD KINDERGARTEN GRANT PROGRAM. The creation of sections 20.255 (2) (dp) and 115.445 of the statutes takes effect on July 1, 2006.

(END)

in awarding grants  
and shall give preference to  
school boards that use  
community approaches to  
early education, as defined  
by the department by  
rule.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0425/4  
MJL:kjf&cjs:rs

DOA:.....Rogers, BB0150 - Four-year-old kindergarten

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1      **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**EDUCATION**

**PRIMARY AND SECONDARY EDUCATION**

Beginning in the 2006-07 fiscal year, this bill authorizes DPI to award grants to school boards to implement four-year-kindergarten programs. A school board is eligible for an initial grant of up to \$3,000 for each pupil enrolled in a four-year-old kindergarten program in the school district and a second grant of up to \$1,500 for each such pupil.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2            **SECTION 1.** 20.255 (2) (dp) of the statutes is created to read:

3            20.255 (2) (dp) *Four-year-old kindergarten grants.* The amounts in the  
4            schedule for 4-year-old kindergarten grants under s. 115.445.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1       **SECTION 2.** 115.445 of the statutes is created to read:

2       **115.445 Four-year-old kindergarten grants.** (1) A school board may  
3       apply to the department for up to 2 annual grants under this section to implement  
4       a 4-year-old kindergarten program.

5       (2) (a) For the initial grant awarded under this section, the department shall  
6       pay the school board up to \$3,000 for each 4-year-old kindergarten pupil enrolled  
7       in the school district. For the second grant awarded under this section, the  
8       department shall pay the school board up to \$1,500 for each 4-year-old kindergarten  
9       pupil enrolled in the school district.

10       (b) The department shall pay grants under this section from the appropriation  
11       under s. 20.255 (2) (dp) and shall give preference in awarding grants to school boards  
12       that use community approaches to early education, as defined by the department by  
13       rule. If the funds in this appropriation are insufficient to pay all eligible school  
14       boards, the department shall prorate the payments.

15       (3) The department shall promulgate rules to implement this section.

16       **SECTION 9437. Effective dates; public instruction.**

17       (1) **FOUR-YEAR-OLD KINDERGARTEN GRANT PROGRAM.** The creation of sections  
18       20.255 (2) (dp) and 115.445 of the statutes takes effect on July 1, 2006.

19                               **(END)**